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Dated: July 1, 2005

Signature: 
(Susan Lannan)

Docket No.: PEPT-P06-501
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:
Jozefiak et al.

Application No.: 09/721291

Filed: November 22, 2000

For: FAT-BINDING POLYMERS

Confirmation No.: 5051

Art Unit: 1617

Examiner: S. Wang

July 1, 2005

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BOARD OF PATENT APPEALS
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COMMUNICATION REGARDING CANCELATION OF APPEALED CLAIMS

Board of Patent Appeals and Interference
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 25 2005

TECH CENTER 1600/2900

Dear Sir:

The above-reference patent application is currently under Appeal. On July 26, 2005, in response to the Examiner's Answer, applicants filed an amendment canceling claims 71 and 73. A copy of the amendment as filed is provided as **Exhibit A**. Claims 71 and 73 are the only claims that were finally rejected and appealed. All other claims were found allowable. Because applicants have filed an amendment canceling claims 71 and 73, the Appeal is now moot.

The undersigned contacted Examiner Shengjun Wang on June 21, 2005 and his supervisor, Sreeni Padmanabhan, on June 30, 2005. Both Examiners Wang and Padmanabhan indicated that they are awaiting authorization from the Board of Patent Appeals and Interferences to enter the amendment.

Applicants respectfully request that Examiner Wang be given authorization to enter the amendment canceling claims 71 and 73, so that the case may proceed to allowance.

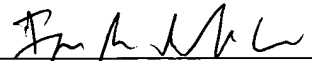
Application No.: 09/721291

Docket No.: PEPT-P06-501

Applicant believes no fee is due with this communication. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. PEPT-P06-501 from which the undersigned is authorized to draw.

Dated: July 1, 2005

Respectfully submitted,

By 

Ignacio Perez de la Cruz

Registration No.: 55,535

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Attorneys/Agents For Applicant

EXHIBIT A

Via: Express Mail: Airbill No. ED 181235077 US	Atty Dkt No.: PEPT-P06-501
Inventor: Jozefiak et al.	
Application No.: 09/721291	Filing Date: November 22, 2000
Title: FAT-BINDING POLYMERS	

Documents Filed:

Amendment After Final Action (37 C.F.R. Section 1.116) (6 pages)

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Via: Express Mail: Airbill No. ED 181235077 US	Atty Dkt No.: PEPT-P06-501
Inventor: Jozefiak et al.	
Application No.: 09/721291	Filing Date: November 22, 2000
Title: FAT-BINDING POLYMERS	

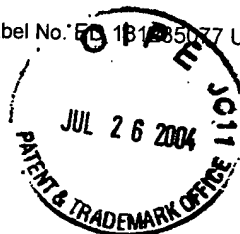
Documents Filed:

Amendment After Final Action (37 C.F.R. Section 1.116) (6 pages)

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Ropes & Gray
Intellectual Property Dept.

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Sender's Initials: IP/lb	Date: July 26, 2004
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ED 181235077 US, in an envelope addressed to: AF Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 26, 2004 Signature: Linda Blake

(Linda Blake)

Docket No.: PEPT-P06-501
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jozefiak et al.

Confirmation No. 5051

Application No.: 09/721291

Art Unit: 1617

Filed: November 22, 2000

Examiner: Shengjun Wang

For: FAT-BINDING POLYMERS

July 26, 2004

AMENDMENT AFTER FINAL

AF Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This amendment is being filed in lieu of a Reply Brief in response to the Examiner's Answer dated June 2, 2004. This amendment cancels rejected claims 71 and 73, the only two pending claims currently rejected. The Examiner's Answer provides a period of two months for filing a response. Therefore, a response is due by August 2, 2004. Accordingly, this Amendment is being timely filed.

Please amend the above-identified U.S. patent application as follows:

Amendments to the Claims begin on page 2 of this paper.

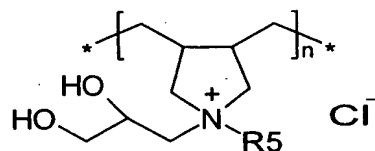
Remarks/Arguments begin on page 5 of this paper.

BOX AF

AMENDMENTS TO THE CLAIMS

1-41. (Canceled)

42. (Previously Amended) A method of treating obesity in a mammal comprising the step of orally administering to the mammal an effective amount of at least one lipase inhibitor and a fat binding polymer, salt, or copolymer thereof, characterized by a repeat unit having the formula:

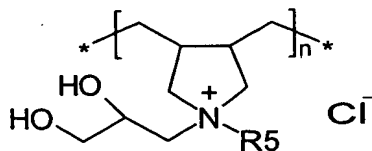


(VII),

wherein R5 = H, or an alkyl chain from C₁ to C₂₂.

43. (Original) The method of claim 42 wherein R5=CH₃.
44. (Original) The method of claim 42 wherein said polymer is Poly(N,N-diallyl-N-methyl-N-(2,3-dihydroxypropyl) ammonium chloride).
45. (Currently Amended) The method of claim 44 wherein said lipase inhibitor is ~~tetrahydrolipstatin~~ tetrahydrolipstatin.
46. (Original) A method for treating steatorrhea in a mammal comprising the step of orally administering to the mammal a therapeutic amount of a polymer characterized by having a repeat unit having the formula:

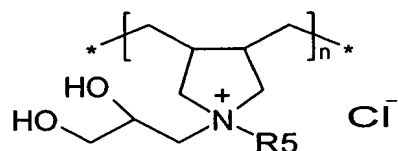
(VII)



wherein R5 = H, or an alkyl chain from C₁ to C₂₂

47. **(Original)** A method for treating hypertriglyceridemia in a mammal comprising the step of administering to the mammal a therapeutically effective amount of at least one lipase inhibitor and a polymer characterized by a combination of repeat units having the formula

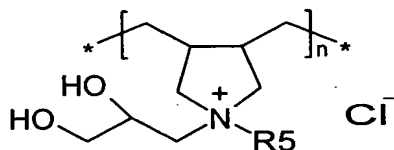
(VII)



Wherein R5 = H, or an alkyl chain from C₁ to C₂₂, in combination with at least one lipase inhibitor.

48. **(Original)** A method for reducing the absorption of dietary fat in a mammal comprising the step of orally administering to the mammal a therapeutically effective amount of at least one lipase inhibitor in combination with a polymer characterized by a combination of repeat units having the formula

(VII)

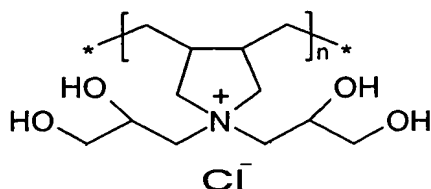


Wherein R5 = H, or an alkyl chain from C₁ to C₂₂.

49-55. **(Canceled)**

56. **(Original)** A method of treating obesity in a mammal comprising the step of orally administering to a mammal an effective amount of a polymer, salt, or copolymer thereof, characterized by a repeat unit having the formula:

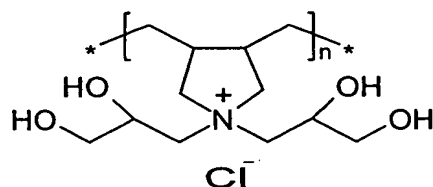
(VI)



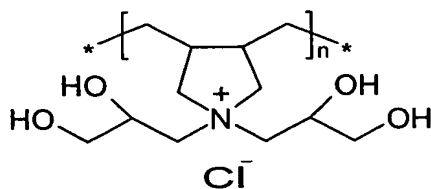
in combination with at least one lipase inhibitor.

57. **(Original)** The method of claim 56 wherein said lipase inhibitor is tetrahydrolipstatin.
58. **(Original)** A method for treating steatorrhea in a mammal comprising the step of orally administering to the mammal a therapeutic amount of a polymer characterized by having a repeat unit having the formula:

(VI)

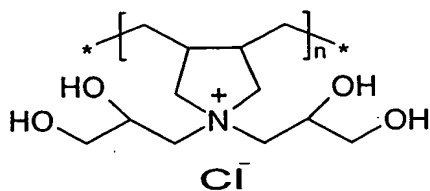


59. **(Previously Amended)** A method for treating hypertriglyceridemia in a mammal comprising the step of administering to the mammal a therapeutically effective amount of at least one lipase inhibitor and a polymer characterized by a combination of repeat units having the formula:



(VI).

60. **(Previously Amended)** A method for reducing the absorption of dietary fat in a mammal comprising the step of orally administering to the mammal a therapeutically effective amount of at least one lipase inhibitor and a polymer characterized by a combination of repeat units having the formula:



(VI).

61. **(Original)** The method of claim 56 wherein said polymer is as Poly(N,N-diallyl-N,N-di(2,3-dihydroxypropyl)ammonium chloride).

62-73. **(Canceled)**

Remarks

Claims 42-48, 56-61, 71 and 73 were pending in the subject application. Applicants have canceled claims 71 and 73, without prejudice to applicant's right to pursue claims of similar or differing scope in a continuing application. Applicants request entry of this amendment such that claims 42-48 and 56-61 will be pending.

Applicants note that claims 42-48 and 56-61 were deemed allowable in the Office Action mailed July 18, 2003. This Office Action also rejected claims 71 and 73 without prejudice, which became the subject of the Appeal proceedings. Since applicants have herein canceled claims 71 and 73, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Applicants note that claim 45 has been amended herein to correct a typographical error. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. PEPT-P06-501 from which the undersigned is authorized to draw.

Dated: July 26, 2004

Respectfully submitted,

By Ignacio Perez de la Cruz
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